

COHEN GREEN

July 25, 2024

Hon. Valerie Figueredo, U.S.M.J.
United States District Court, Southern District of New York
Daniel Patrick Moynihan Courthouse, 500 Pearl Street
New York, New York 10007

By Electronic Filing.

Re: Rodriguez et al v. City of New York, et. al., 21-cv-10815 (PKC)

Dear Judge Figueredo:

As the Court may recall, I am co-counsel for Plaintiff in the case above. I write under ¶¶ 7 and 8 of the Confidentiality Order (ECF No. 21) in this case, as well as the Court's Practices § I(g)(2), seeking leave to file under seal a motion to remove confidentiality designations from certain materials.

The Confidentiality Order requires that any party making a motion using material designated Confidential "shall first make an application to the Court for permission to file under seal the specific portions of those papers disclosing Confidential Materials." ECF No. 21 ¶ 8. Additionally, and slightly different than the procedure contemplated by the Court's Individual Practices, the Order requires that "[n]o materials shall be filed under seal unless the Court has issued an order approving the filing." *Id.*

Here, since the motion seeks to de-designate materials that are confidential, filing the full application under seal for now — with the whole thing being released if the motion is granted, and the parties proposing redactions (if any) if the motion is denied — seems to make the most sense. For sealing itself, the Court is ultimately required to "review the documents individually and produce 'specific, on-the-record findings that sealing is necessary to preserve higher values.'" *Brown v. Maxwell*, 929 F.3d 41, 48 (2d Cir. 2019). On that score, Plaintiff can only say she cannot justify sealing — indeed, she cannot make any good faith argument for it, as discussed in the underlying motion — but is bound to file this application ECF No. 21. Since it seems difficult for the Court to evaluate this application in light of the filing bar in ¶ 8, Plaintiff has submitted the underlying application to Chambers by email.

So, as set out above, Plaintiff asks the Court to allow her to file her motion under seal for now — and to ultimately deny this motion in conjunction with granting the underlying motion.

As ever, we thank the Court for its time and attention.

Respectfully submitted,

/s/

J. Remy Green



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All relevant parties by electronic filing.